

## REMARKS

This Response and these remarks are in reply to the Office Action mailed December 12, 2003. Claims 84-101 are pending.

### Rejection of Claims 84-92 Under 35 U.S.C. 102(b)

Claims 84-92 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application No. GB 2 237 514 to Taylor ("*Taylor*"). Applicants respectfully traverse the rejection as follows. Although Claims 93-101 were not stated to be rejected in the Office Action, applicants include in the following discussion the reasons for the allowance of Claims 93-101, as well as Claims 84-92, over *Taylor*.

The claims of the present application are directed to an educational toy that among other things presents problems to a child with the assistance of a visual prompt encouraging the child to cognitively solve the problem using a unique toy platform, and determines whether the child has correctly solved the problem. See, independent Claims 84, 89, 93 and 98:

A system [method] for promoting learning in a child comprising [presenting] a visual graphical environment for a child, the graphical environment presenting a child with one or more visual prompts, said prompts assisting to prompt the child to cognitively react by manipulating one or more graspable objects in an desired fashion; . . .

The electronic educational toy of the present invention senses the child's proposed solution to the problem and determines whether the child has correctly solved the problem. See, independent Claims 84, 89, 93 and 98:

detecting the location of the one or more graspable objects placed or manipulated on the work space . . .; and

determining whether the location of the one or more graspable objects placed or manipulated on the work space corresponds to a desired response.

*Taylor* does not disclose, teach or suggest the present invention as recited in Claims 84-101. More specifically, *Taylor* does not disclose, teach or suggest prompting a child with the assistance of a visual prompt to cognitively react by manipulating one or more graspable objects in a desired fashion and determining whether the child has provided the desired response.

In fact, *Taylor* teaches away from the present invention. *Taylor* relies on an input keyboard when the child is asked to respond to a question. For example, *Taylor* at page 11, lines 5-11 discloses questions whose response is entered via an input keyboard:

*. . . an input keyboard 17 is connected to the CPU 14. This keyboard uses three keys 31a, b, c mounted therein and these keys allow the players to communicate with the CPU 14. Three keys 31a, b, and c represent the commands "yes", "no" and "continue" respectively. The program of the game runs until a player has to make a decision: for example, if two playing pieces are in a position where the pieces may be deemed to be in combat with each other, the CPU 14 may instruct VDU 16 to display a message such as "Do you want to fire at target X? By pressing one of the keys on the keyboard 17 the player can provide an appropriate answer. Taylor at page 10, line 27 – page 11, line 12 (emphasis supplied).*

Requiring a child to respond to prompts using a standard input keyboard is different than the present invention. As stated at page 2, lines 3-6 of the present application, "...young children have not yet developed the mental capabilities or the motor skills to interact well with convention computers, which require data to be entered, for example via the key board or mouse, in a fixed format. ...".

Clearly, *Taylor's* disclosure of questions whose response is entered via a keyboard does not anticipate or render obvious "An electronic educational toy comprising . . . a visual graphical environment for a child, the graphical environment presenting a child with one or more visual prompts, said prompts assisting to prompt the child to cognitively react by manipulating one or more graspable objects in an desired fashion; . . .detecting the location of the one or more graspable objects placed or manipulated on the work space . . .; and

determining whether the location of the one or more graspable objects placed or manipulated on the work space corresponds to a desired response.”, as expressly required by each of the claims of the present application.

*Taylor* at page 10, lines 15-26 discloses computer generated messages advising which player(s) are ‘in play’ at that particular time and advising whether a particular move is ‘legal’ or ‘illegal’:

A message is displayed on the VDU 15 if an ‘illegal’ move has been made and the piece 22 must be replaced in its original hole or moved to a destination hole which constitutes a ‘legal’ move. This process is repeated for the movement of each of the playing pieces 22.

The colour displayed on the screen of the VDU 16 provides an indication of the player who is ‘in play’ and who may move or use more of his playing pieces. Each player has his own screen color and the VDU 16 displays each of the colours in sequence to instruct the players who are ‘in play’ at that particular time. *Taylor* at page 10, lines 15-25.

The messages are consistent with the board game concept disclosed by *Taylor*. In no sense do these computer-generated messages disclose, teach or suggest prompting a child with the assistance of a visual prompts to cognitively react by manipulating one or more graspable objects in a desired fashion and determining whether the child has provided the desired response, as required by the claims of the present application.

In addition to the foregoing, *Taylor* fails to disclose, teach or suggest a number of other limitations of the claims including without limitation:

- Claims 86 and 95, which recite, “audio output device capable of providing one or more audio prompts assisting to prompt the child to cognitively react by manipulating one or more graspable objects.”
- Claims 87 and 96, which recite “audio output device is further capable of providing audio feedback to the child depending on whether the location of the one or more graspable objects placed or manipulated on the work space corresponds to a desired response.”

- Claims 91 and 100, which recite “the step of providing one or more audio prompts assisting to prompt the child to cognitively react by manipulating one or more graspable objects”
- Claims 92 and 101, which recite “the step of providing audio feedback to the child depending on whether the location of the one or more graspable objects placed or manipulated on the work space corresponds to a desired response.”

It is respectfully submitted that all outstanding rejections have been overcome. Pending Claims 84-101 are believed to be in condition for allowance, and it is respectfully requested that these claims be passed to issue.

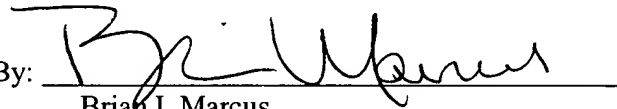
The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this Petition or accompanying papers, which may be required.

Should there be any questions, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

Date: June 7, 2004

By:



Brian I. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: 415-369-9660  
Facsimile: 415-369-9665